

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID BUSH and : CIVIL ACTION
CHRISTOPHER BUSH :
v. :
S.C. ADAMS, et al., : NO. 07-4936

SCHEDULING ORDER

AND NOW, this 7th day of May, 2009, upon consideration of the plaintiffs' Notices (Docket Nos. 34 and 36) responding to the Court's Orders asking the plaintiffs to inform the Court as to how they wished to proceed in light of the Court's Memoranda and Orders of November 3, 2008, and January 27, 2009, which dismissed the claims of defendants Isara Isabella Serene, Sean Adams, and Brian Russell; and upon receipt of an Order from the United States Court of Appeals for the Third Circuit denying the plaintiffs' Petition for Writ of Mandamus as to the November 3, 2008, and January 27, 2009, Orders, IT IS HEREBY ORDERED, for the reasons set out in a Memorandum of today's date, that:

1. The plaintiffs' request to certify the November 3, 2008, and January 27, 2009, Orders for interlocutory appeal under 28 U.S.C. § 1292(b) is DENIED.

2. The Court will not enter final judgment as to defendants Isara Isabella Serene, Sean Adams, and Brian Russell under Federal Rule of Civil Procedure 54(b), given the plaintiffs objection to such certification.

3. The plaintiffs' request for a stay of these proceedings as to the remaining claims against defendants Kenneth Hill, Steven J. Ignatz, and Sergeant Tripp is DENIED AS MOOT.

4. The plaintiffs' request that this case be transferred and consolidated for discovery with the case of Christopher Bush v. Newtown Township, Civil Action No. 08-4571 (E.D. Pa. filed Sept. 22, 2008), pending before the Honorable Juan R. Sanchez, is DENIED WITHOUT PREJUDICE.

5. As anticipated in the Court's prior Orders of May 5 and June 9, 2008, the following pretrial deadlines are set in this case:

a. All discovery shall proceed forthwith and continue in such manner as will assure that all requests for, and responses to, discovery will be served, noticed and completed by October 7, 2009.

b. Any summary judgment motion, or other dispositive motion, together with supporting brief, shall be filed on or before November 6, 2009.

c. The Court will hold a telephone conference with counsel on November 12, 2009, at 4:30 p.m. to discuss scheduling the remainder of the case. Plaintiff's counsel shall initiate the call.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.